IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 16615 of 2004

Between:

Dugyala Laxmi, W/o Linga Rao,
R/o Jeelgula Village, Elkathurthy Mandal, Karimnagar District

..... PETITIONER

AND

1 The Mandal Revenue Officer, Elkathurthy Mandal, Karimnagar District
2 D.Prabhakar Rao, S/o Ramaiah,
R/o Jeelgula Village, Elkathurthy Mandal, Karimnagar District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus or any other writ order or direction declaring the action of the respondent No.1 in not taking any action upon a complaint dated 29-6-2004 filed by the petitioner as arbitrary, illegal, null and void consequently direct the respondent No.1 to take necessary action against the respondent No.2 basing upon the complaint dated 29-6-2004 filed by the petitioner.

Counsel for the Petitioner:MR.K.VENUMADHAV

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent No.2:-----

The Court at the stage of admission made the following ORDER:

As the area in question was not declared as over exploited, under sub-section (1) of Section 11 of the A.P. Water, Land and Trees Act, 2002, there cannot be any prohibition for sinking of a well. In the absence of such notification, the petitioner cannot insist the first respondent-Mandal Revenue Officer, Elkathurthy Mandal, Karimnagar District, to act upon the complaint made by her by taking action against the second respondent.

The first respondent cannot be conferred with the power to take action on the complaint made by the petitioner. Therefore, I see no ground to entertain the writ petition and therefore, it is liable to be dismissed.

The writ petition is accordingly, dismissed. No costs.

16th NOVEMBER, 2004.

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To

1. The Mandal Revenue Officer, Elkathurthy Mandal, Karimnagar District
2. Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad (OUT)

3. Two CD copies.